

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA LP, AKTIEBOLAGET	)	
DRACO, KBI INC. and KBI-E INC.,	)	
	)	Civil Action No. 08-305-GMS
Plaintiffs,	)	
	)	
v.	)	
	)	<b>STIPULATION OF DISMISSAL OF</b>
BARR LABORATORIES, INC. and	)	<b>COMPLAINT AND PROPOSED ORDER</b>
BARR PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	
	)	

**STIPULATION OF DISMISSAL OF COMPLAINT AND [PROPOSED] ORDER**

Plaintiffs AstraZeneca LP, Aktiebolaget Draco, KBI Inc. and KBI-E Inc.

(collectively “Plaintiffs”) hereby stipulate to dismiss the Complaint filed by Plaintiffs against Barr Pharmaceuticals, Inc. (“Barr Pharmaceuticals”) in the above-captioned action. The action will continue against defendant Barr Laboratories, Inc. (“Barr Laboratories”). It is further stipulated that this dismissal is without prejudice, and is premised upon the following stipulations:

1. Barr Pharmaceuticals stipulates to be bound, to the same extent that Barr Laboratories will be bound, by any Final Judgment in the above-captioned action regarding infringement, validity and/or enforceability of United States Patent Nos. 6,423,340 and 5,643,602 with respect to the drug product that is the subject of Barr Laboratories’ Abbreviated New Drug Application (“ANDA”) No. 90-379.

2. Barr Pharmaceuticals stipulates that any Order granting preliminary or permanent injunctive relief in the above-captioned action against Barr Laboratories with respect to the approval, manufacture, importation, sale, use, or offer for sale of the drug product that is the subject of Barr Laboratories’ ANDA No. 90-379 shall apply equally to Barr Pharmaceuticals.

3. Barr Pharmaceuticals stipulates that, to the extent that it has documents, witnesses, and information in its custody and control that are relevant to the Complaint against Barr Laboratories, Barr Pharmaceuticals agrees to provide Plaintiffs with such documents, witnesses and information in response to discovery requests to Barr Laboratories, to the same extent Barr Pharmaceuticals would be required to do so in response to a subpoena to a non-party.

4. The case caption should be amended to read: AstraZeneca LP, Aktiebolaget Draco, KBI Inc. and KBI-E Inc., Plaintiffs, v. Barr Laboratories, Inc., Defendant, Civil Action No. 08-305-JJF.

**SO STIPULATED**

Dated: July 25, 2008

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ James W. Parrett, Jr.*

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*/s/ John C. Phillips, Jr.*

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**SO ORDERED**

Dated: \_\_\_\_\_

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Honorable Gregory M. Sleet  
United States District Judge